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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,820	09/12/2006	Dirkjan Bernhard Van Dam	NL 040270	1691
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EXAMINER NGUYEN, LAUREN				
ART UNIT 2871		PAPER NUMBER		
MAIL DATE 05/30/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/598,820

**Applicant(s)**

VAN DAM ET AL.

**Examiner**

LAUREN NGUYEN

**Art Unit**

2871

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 9/25/2007
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of **Group I** invention and **Species A1**, including **claims 1-8**, in the reply filed on 05/02/2008 is acknowledged. Claims 9-15 were canceled. Thus, claims 1-8 are pending for examination.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information disclosure statement filed 09/25/2007 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-3, 5, and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tukude (US 4,702,566)** in view of **McLaughlin et al. (US Re. 33,921)**.

7. With respect to **claim 1**, **Tukude** (figure 5) discloses a display panel comprising a first substrate (1) and a second substrate (4) being separated from each other by spacers (4, 14) and sealing between them a space, at least one of the spacers (4; 14) being penetrated by a hole (5) extending therethrough and through the substrate (4) to form a through hole (5) through the display panel (1), said at least one of the spacers (4; 14) and the substrates (1, 4) forming the wall of said through hole and sealing the space from the through hole (5; figure 5). **Tukude** does not disclose the hole being extended through both of the substrates. **McLaughlin et al.** (in at least column 8, lines 24-45, figure 5) teaches the hole (82, 84) being extended through both of the substrates (72, 78). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the substrates as taught by **McLaughlin et al.** because such modification would provide effectively operate the display and enhance its appearance.

8. With respect to **claim 2**, **Tukude** (figure 5) discloses each spacer (4, 14) having a through hole (5) is located outside the pixel areas of the display panel (1).

9. With respect to **claim 3**, **Tukude** (figure 5) discloses a plurality of through holes (5), each extending through a respective one of the spacers (4, 14) and through the substrate (4) to form a

through hole through the display panel (1), are distributed over the surface (218) of the display panel. **Tukude** does not disclose the hole being extended through both of the substrates.

**McLaughlin et al.** (in at least column 8, lines 24-45, figure 5) teaches the hole (82, 84) being extended through both of the substrates (72, 78). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the substrates as taught by **McLaughlin et al.** because such modification would effectively operate the display and enhance its appearance.

10. With respect to **claim 5**, **McLaughlin et al.** (figure 5) discloses the display panel is an LCD-display, a foil display, an electro-wetting display, a polyled display, a fluorescent display, or a touch screen or pressure-sensitive display (see at least column 2, lines 58-65).

11. With respect to **claim 7**, **Tukude** (figure 5) discloses the display panel (1) has a plastic or steel substrate (see at least column 2, lines 32-35).

12. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tukude (US 4,702,566)** in view of **McLaughlin et al. (US Re. 33,921)**, further in view of **Washizawa et al. (US 2004/0114090)**.

13. With respect to **claim 4**, **Tukude as modified by McLaughlin et al.** discloses the limitations as shown in the rejection of **claim 1** above. However, **Tukude as modified by McLaughlin et al.** does not disclose the spacers are made of a visually decorative material. **Washizawa et al.** (in at least paragraph 0054) teaches the spacers are made of a visually decorative material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the spacers as taught by **Washizawa et al.** because such modification would prevent the deterioration in display contrast during black display.

14. **Claims 6 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tukude (US 4,702,566)** in view of **McLaughlin et al. (US Re. 33,921)**, further in view of **Chu (US 6,279,170)**.

15. With respect to **claim 6, Tukude as modified by McLaughlin et al.** discloses the limitations as shown in the rejection of **claim 1** above. However, **Tukude as modified by McLaughlin et al.** does not disclose the display panel is flexible or bendable and/or has flexible substrates. **Chu** (in at least column 1, lines 30-40; figure 1) teaches the display panel is flexible or bendable and/or has flexible substrates. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display panel as taught by **Chu** because such modification would reduce the mechanical stress on the device. In addition, the panel would be easily attached to wearable products.

16. With respect to **claim 8, Tukude as modified by McLaughlin et al.** discloses the limitations as shown in the rejection of **claim 1** above. However, **Tukude as modified by McLaughlin et al.** does not disclose the display panel is adapted to be integrated in a wearable product. **Chu** (in at least column 1, lines 30-40; figure 1) teaches the display panel is adapted to be integrated in a wearable product. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display panel as taught by **Chu** because such modification would achieve labels for garments that can display animated designs and information changing over time.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lauren Nguyen whose telephone number is (571) 270-1428. The examiner can normally be reached on M-F, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. N./

Examiner, Art Unit 2871

/Andrew Schechter/  
Primary Examiner, Art Unit 2871